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KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			HUFFMAN, BRIAN GEORGE	
			ART UNIT	PAPER NUMBER
			3709	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,447

Applicant(s)

BARRI, DARIN

Examiner

Brian G. Huffman

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/17/2004, 03/14/2005 and 04/04/2005.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 70 on page 16, line 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the inclusion of legal phraseology, i.e. "means" in line 3, which is improper.

Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 13, 16 and 23 objected to because of the following informalities:

Art Unit: 3709

Re claim 13: "an" in lines 9 and 11 should be changed to -- the -- to provide proper antecedent basis.

Re claim 16: "a" in line 2 should be changed to -- the -- to provide proper antecedent basis.

Re claim 23: "an" in lines 10 and 12 should be changed to -- the -- to provide proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 4-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claim 4: the claim is directed to an improvement, and is unclear as to whether the improvement is to a method or to an apparatus as claimed. As such, the claimed invention does not fall within one of the four statutory categories of invention. Further, the claimed invention does not recite a judicial exception to statutory subject matter as it is not directed to an abstract idea, a law of nature or a natural phenomena (see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, pages 14-18).

Claims 5-12 depend from claim 4.

Art Unit: 3709

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 4: the limitation "the improvement" in line 2 lacks sufficient antecedent basis as there is no previous mention of an improvement in the claim. It is suggested to be -- an improvement --.

Re claim 7: the limitation "memory insufficient to dynamically alter a scene" in line 2 renders the claim indefinite as it is unclear how much memory is insufficient.

Claims 5-12 depend from claim 4.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 10: Claims 1-5, 8-13, and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Komata (US 2001/0008849 A1).

Art Unit: 3709

Re claim 1: Komata discloses an interactive DVD gaming system comprising: a DVD (411) and a user-operated control (200) for use with a DVD player (500), the DVD player being configured to accept game input from the user-operated control and to hold one or more game variables/players' points, each game variable having a value; wherein the user-operated control is configured to provide user-provided game input to the DVD player; and wherein the DVD includes data readable by the DVD player; said data including at least one sequence of audiovisual content and one or more game scripts operable to: define a game variable; associate a value with a game variable defined; change a value of the game variable as a function of game input accepted from a user-operated control and the value of the game variable (Fig. 1, and 3-5; Para. [0031]; Para. [0032], lines 1-4; Para. [0041]; Para. [0049]; Para. [0051]; Para. [0052]; Para. [0056]-[0057]; Para. [0061]; Para. [0063], lines 1-3). With respect to applicant's "DVD" and "DVD player", the optical disc 411 and entertainment system 500 of the prior art are considered to be equivalents as Komata discloses that the entertainment system has the function of DVD playback built-in and a DVD is a type of optical disc.

Komata further discloses:

Re claim 2: the user-operated control is further configured to distinguish among input from a plurality of external input sources (210, 220, 230, 240, 251, 252, 254 and 255) (Fig. 6; Para. [0067]-[0073]).

Re claim 3: the DVD is formatted according to the DVD-Video Standard (Para. [0031]; Para. [0063], lines 3-5). With respect to applicant's "DVD-Video Standard," the prior art discloses that the entertainment system can be used to enjoy DVD video and that it is capable of decoding images encoded based on the MPEG standard, the standard which DVD-Video discs are formatted in. As such, the entertainment system of Komata is capable of playing a DVD formatted in DVD-Video format and therefore is considered to encompass applicant's invention.

Art Unit: 3709

Re claim 4: In combination with a DVD player (500) having memory storage means (402) and being responsive to user-provided input, the improvement comprising a DVD (411) having recorded thereon audiovisual content and a plurality of game scripts executable by the DVD player, wherein the plurality of game scripts performs actions comprising: defining a game variable/players' points; formatting the memory storage means of the DVD player to hold a value associated with the game variable; associating a value with the game variable; changing, as a function of the value associated with the game variable and user-provided input, the value associated with the game variable; selecting, as a function of the value associated with the game variable and user-provided input, audiovisual content; and playing the audiovisual content selected (Fig. 3 and 5; Para. [0031]; Para. [0032], lines 1-4; Para. [0041]; Para. [0049]; Para. [0051]; Para. [0052]; Para. [0057]; Para. [0060]; Para. [0063], lines 1-3; Para. [0064], lines 3-6; see claim 1 above).

Re claim 5: the plurality of game scripts performs changing the value of the game variable at least twice (Fig. 3; Para. [0049]; Para. [0052]).

Re claim 8: a user-operated control (200) to transmit user-provided input to the DVD player (Fig. 1, 4 and 5; Para. [0031]).

Re claim 9: the plurality of game scripts further performs distinguishing among user-provided input from a plurality of external input sources (210, 220, 230, 240, 251, 252, 254 and 255) (Fig. 6; Para. [0063]-[0065]; Para. [0067]-[0073]).

Re claim 10: a user-operated control (200) configured to transmit user-provided input to the DVD player (Fig. 1, 4 and 5; Para. [0031]).

Art Unit: 3709

Re claim 11: the user-operated control is further configured to distinguish among user-provided input from a plurality of external input sources (210, 220, 230, 240, 251, 252, 254 and 255) (Fig. 6; Para. [0063]-[0065]; Para. [0067]-[0073]).

Re claim 12: the DVD is formatted according to the DVD-Video Standard (Para. [0031]; Para. [0063], lines 3-5; see claim 3 above).

Re claim 13: a method for playing an interactive DVD game, comprising: providing a DVD (411) for use with a DVD player (500), the DVD player including memory storage means (402) and being configured to accept input from an external input source (200); defining a game variable/players' scores; formatting the memory storage means of the DVD player to hold a value associated with the game variable; associating a value with the game variable; changing, as a function of the value associated with the game variable and input accepted from an external input source, the value associated with the game variable; selecting, as a function of the value associated with the game variable and input accepted from an external input source, audiovisual content; and playing the audiovisual content selected (Fig. 1, and 3-5; Para. [0031]; Para. [0032], lines 1-4; Para. [0041]; Para. [0049]; Para. [0051]; Para. [0052]; Para. [0056]-[0057]; Para. [0060]; Para. [0063], lines 1-3; Para. [0064], lines 3-6; see claim 1 above).

Re claim 15: defining a game variable includes defining a score variable (Para. [0049]; Para. [0052]).

Re claim 16: associating includes assigning a zero value to a score variable (Para. [0049]; Para. [0052]). While Komata fails to explicitly disclose that the score/points could be zero, it is possible that if the player's actions are very slow and the steps s8 or s12 are repeated numerous times, the number of points earned could amount to zero.

Art Unit: 3709

Re claim 17: changing includes incrementing the value of the score variable by a predetermined amount (Para. [0049]; Para. [0052]). While Komata is silent to incrementing the score/points variable, the invention includes a CPU 401 which is capable of subtracting numbers as disclosed. As addition is merely the inverse operation of subtraction and CPU's commonly include functions for adding, subtracting, multiplying and dividing, among others, the prior art is considered to read on applicant's invention as claimed.

Re claim 18: displaying a value of the score variable (Para. [0051]). It is well known in the art to display the winner's score when indicating the result of a game so that the players may know how well or how poorly they have performed, and as such, it is considered an inherent feature of the winning player screen of Komata.

Re claim 19: the DVD player is configured to provide output to a television responsive to the DVD player, and wherein playing includes displaying a value of the score variable on the television (Fig. 1; Para. [0051]; see claim 18 above).

Re claim 20: distinguishing among input accepted from two or more external input sources (210, 220, 230, 240, 251, 252, 254 and 255) (Fig. 6; Para. [0063]-[0065]; Para. [0067]-[0073]).

Re claim 21: changing the value of the game variable is performed at least twice (Fig. 3; Para. [0049]; Para. [0052]).

Re claim 22: the DVD is formatted according to the DVD-Video Standard (Para. [0031]; Para. [0063], lines 3-5; see claim 3 above).

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3709

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-14 and 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Seidman (US 2003/0190961 A1).

Re claim 1: Seidman discloses an interactive DVD gaming system comprising: a DVD (106) and a user-operated control (110) for use with a DVD player (108), the DVD player being configured to accept game input from the user-operated control and to hold one or more game variables, each game variable having a value; wherein the user-operated control is configured to provide user-provided game input to the DVD player; and wherein the DVD includes data readable by the DVD player; said data including at least one sequence of audiovisual content (120, 122) and one or more game scripts (118) operable to: define a game variable; associate a value with a game variable defined; change a value of the game variable as a function of game input accepted from a user-operated control and the value of the game variable (Fig. 5 and 7; Para. [0072]; Para. [0086]). With respect to applicant's "DVD player being configured...to hold one or more game variables," Seidman does not explicitly disclose this limitation. However, as disclosed, Seidman's invention is capable of displaying and receiving codes to selectively block content stored on the DVD, and it is well known in the art to use a "flag" stored at a memory location to either allow or prevent an action by the user. As such, Seidman's invention is considered to be inherently capable of holding one or more game variables (Para. [0066]-[0068]).

Seidman further discloses:

Re claim 2: the user-operated control is further configured to distinguish among input from a plurality of external input sources (Para. [0066]-[0068]; Para. [0072]). Seidman discloses a game

Art Unit: 3709

which may require the user to enter a code by manipulating different keypads to unlock certain content stored on the DVD, where such codes may be represented by numbers such as "1", "2" and "3" (Para. [0114]-[0115]). As such, the prior art is considered to be configured to distinguish among input from a plurality of external input sources.

Re claim 3: the DVD is formatted according to the DVD-Video Standard (Para. [0002], lines 1-3; Para. [0007], lines 7-10). With respect to applicant's "DVD-Video Standard," the prior art discloses that the invention relates to DVDs providing displays of digital works and that DVDs record data using MPEG2 video-compression techniques (which is the formatting of the DVD-Video Standard). As such, the DVD game of Seidman is considered to be capable of being in DVD-Video format.

Re claim 4: In combination with a DVD player (108) having memory storage means (see claim 1 above; further applicant states that conventional DVD players include a minimal amount of onboard memory (Page 5, lines 20-1)) and being responsive to user-provided input, the improvement comprising a DVD (106) having recorded thereon audiovisual content (120, 122) and a plurality of game scripts (118) executable by the DVD player, wherein the plurality of game scripts performs actions comprising: defining a game variable; formatting the memory storage means of the DVD player to hold a value associated with the game variable; associating a value with the game variable; changing, as a function of the value associated with the game variable and user-provided input, the value associated with the game variable; selecting, as a function of the value associated with the game variable and user-provided input, audiovisual content; and playing the audiovisual content selected (Fig. 5 and 7; Para. [0066]-[0068]; Para. [0072]; Para. [0086]; see claim 1 above). As stated in claim 1, it is well known in the art to use a "flag" stored in memory to allow or prevent a user action. As the prior art discloses selectively allowing access to certain content on the DVD, this flag would initially be set to prevent access and then changed as a result of the user entering the correct code, which is equivalent to applicant's claimed invention.

Art Unit: 3709

Re claim 5: the plurality of game scripts performs changing the value of the game variable at least twice (Para. [0114]-[0115]; see claims 1 and 4 above). The "flag" may be multiple bits as the prior art discloses entering multiple codes, and as such, the value would be changed numerous times corresponding to which codes are entered correctly or incorrectly.

Re claim 6: a DVD player of the type including memory storage means to store less than 1 kilobyte of data (Para. [0086], lines 1-5). Seidman discloses the use of a conventional DVD player, which, as applicant states, generally includes less than 1 kilobyte of memory (Page 8, lines 8-10).

Re claim 7: a DVD player configured with memory insufficient to dynamically alter a scene played during game play (Para. [0086], lines 1-5; see claim 6 above). As Seidman discloses the use of a conventional DVD player and applicant's invention uses a conventional DVD player, the conventional DVD player of the prior art is considered to be equivalent of applicant's and, as such, to lack sufficient memory to dynamically alter a scene during game play.

Re claim 8: a user-operated control (110) to transmit user-provided input to the DVD player (Fig. 7; Para. [0086], lines 1-9; Para. [0088]).

Re claim 9: the plurality of game scripts further performs distinguishing among user-provided input from a plurality of external input sources (Para. [0066]-[0068]; Para. [0072]; Para. [0114]-[0115]; see claim 2 above).

Re claim 10: a user-operated control (110) configured to transmit user-provided input to the DVD player (Fig. 7; Para. [0086], lines 1-9; Para. [0088]).

Art Unit: 3709

Re claim 11: the user-operated control is further configured to distinguish among user-provided input from a plurality of external input sources (Para. [0066]-[0068]; Para. [0072]; Para. [0114]-[0115]; see claim 2 above).

Re claim 12: the DVD is formatted according to the DVD-Video Standard (Para. [0002], lines 1-3; Para. [0007], lines 7-10; see claim 3 above).

Re claim 13: a method for playing an interactive DVD game, comprising: providing a DVD (106) for use with a DVD player (108), the DVD player including memory storage means (see claim 1 above; further applicant states that conventional DVD players include a minimal amount of onboard memory (Page 5, lines 20-1)) and being configured to accept input from an external input source (110); defining a game variable; formatting the memory storage means of the DVD player to hold a value associated with the game variable; associating a value with the game variable; changing, as a function of the value associated with the game variable and input accepted from an external input source, the value associated with the game variable; selecting, as a function of the value associated with the game variable and input accepted from an external input source, audiovisual content; and playing the audiovisual content selected (Fig. 5 and 7; Para. [0066]-[0068]; Para. [0072]; Para. [0086]; see claims 1 and 4 above).

Re claim 14: the DVD player includes less than 1 kilobyte of memory (Para. [0086], lines 1-5; see claim 6 above).

Re claim 20: distinguishing among input accepted from two or more external input sources (Para. [0066]-[0068]; Para. [0072]; Para. [0114]-[0115]; see claim 2 above).

Re claim 21: changing the value of the game variable is performed at least twice (Para. [0114]-[0115]; see claim 5 above).

Re claim 22: the DVD is formatted according to the DVD-Video Standard (Para. [0002], lines 1-3; Para. [0007], lines 7-10; see claim 3 above).

Re claim 23: a method for playing an interactive DVD game, comprising: providing a DVD (106) and a user-operated control (110) for use with a conventional DVD player (108), the DVD player including memory storage means (see claim 1 above; further applicant's admitted prior art states that conventional DVD players include a minimal amount of onboard memory (Page 5, lines 20-1)) and being configured to accept game input from the user-operated control; defining a game variable; formatting the memory storage means of the DVD player to hold a value associated with the game variable; associating a value with the game variable; changing, as a function of the value associated with the game variable and input accepted from a user-operated control, the value associated with the game variable; selecting, as a function of the value associated with the game variable and input accepted from a user-operated control, audiovisual content; and playing the audiovisual content selected (Fig. 5 and 7; Para. [0066]-[0068]; Para. [0072]; Para. [0086]; see claim 5 above).

Re claim 24: the user-operated control is configured to distinguish among two or more external input sources providing game input (Para. [0066]-[0068]; Para. [0072]; Para. [0114]-[0115]; see claim 2 above).

Re claim 25: distinguishing among two or more external sources of game input (Para. [0066]-[0068]; Para. [0072]; Para. [0114]-[0115]; see claim 2 above).

Re claim 26: the DVD is formatted according to the DVD-Video Standard (Para. [0002], lines 1-3; Para. [0007], lines 7-10; see claim 3 above).

Art Unit: 3709

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman (US 2003/0190961 A1) in view of Kavanagh (US 7,003,598 B2). The teachings of Seidman have been discussed above.

Re claim 15: However, Seidman fails to disclose that defining a game variable includes defining a score variable.

Kavanagh teaches a DVD game system with a DVD, a DVD player and a controller, in which a variable for a score is defined (Fig. 1, Fig. 5; Col. 3, lines 55-59).

Re claim 16: However, Seidman fails to disclose that associating includes assigning a zero value to a score variable.

Kavanagh teaches that players' scores are kept corresponding to the number of questions answered in a trivia game (Col. 3, lines 55-59). While Kavanagh is silent with respect to assigning a value of zero to the score variable, it is well known in the art that when playing a trivia game each players' score should start with an initial value of zero and increase as points are awarded for correct answers. As such, the combined teachings of Seidman and Kavanagh are considered to be equivalent to applicant's assigning a zero value to a score variable.

Re claim 17: However, Seidman fails to disclose that changing includes incrementing the value of the score variable by a predetermined amount.

Art Unit: 3709

Kavanagh teaches that players' scores are incremented (530) in response to a correct answer (Col. 9, lines 4-13). While Kavanagh is silent with respect to incrementing by a predetermined amount, it is considered to be an inherent feature as trivia games often award a certain amount of points, e.g. 1, for each correct answer. As such, the combined teachings of Seidman and Kavanagh are considered to be equivalent to applicant's incrementing the value of the score variable by a predetermined amount.

Re claim 18: However, Seidman fails to disclose displaying a value of the score variable.

Kavanagh discloses displaying the value of the score variable on a television (Col. 9, lines 13-15).

Re claim 19: However, Seidman fails to disclose that the DVD player is configured to provide output to a television responsive to the DVD player, and wherein playing includes displaying a value of the score variable on the television.

Kavanagh discloses displaying the value of the score variable on a television (Col. 9, lines 13-15).

Seidman and Kavanagh are considered to be analogous art because both inventions are from the same field of endeavor of DVD gaming systems. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system and method of Seidman with the score variable and associated display of the score of Kavanagh in order to reward the player with entertainment for reaching various predetermined milestones. (Kavanagh, Col. 5, lines 40-45). Thus it would have been obvious to combine Seidman with Kavanagh to obtain the invention as specified in claims 15-19.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Esnouf (US 5,364,108 A) discloses a game apparatus. Robarge (US 2004/0166915 A1) discloses an interactive game with visual video interface. Yoshio et al. (US 6,215,952 B1) discloses an information

Art Unit: 3709

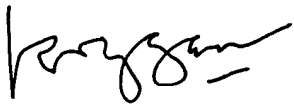
record medium, apparatus for recording the same and apparatus for reproducing the same. Kinzer et al. (US 6,987,925 B2) discloses a DVD random shuffle method. Lau et al. (US 2005/0070361 A1) discloses an interactive control of video machines and games therefor. Diercks (US 2004/0125075) discloses a DVD remote control with interchangeable, title-specific interactive panels. Lemmons et al. (US 2002/0034980 A1) discloses an interactive game via set top boxes. Greenberg (US 2003/0199292 A1) discloses a digital versatile disc containing game.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian G. Huffman whose telephone number is (571) 270-1348. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BGH


KIM NGUYEN
PRIMARY EXAMINER